

3:08cv134
(3:05cr213)

Respondent.

filing a § 2255 motion. Id. at 426. Here, the Court lacks jurisdiction over the motion because it was prematurely filed before sentencing.

IT IS, THEREFORE, ORDERED that Petitioner's Motion for New Trial Under 28 U.S.C. § 2255 is **DISMISSED** without prejudice to be re-filed by the defendant at the appropriate time.

Signed: March 31, 2008

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

